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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE BANK OF EAST ASIA (U.S.A.)
N.A.,

Plaintiff, Cross-defendant and
Appellant,

v.

FARIBA JAVAHERIAN et al.,

Defendants, Cross-complainants and
Respondents.

B242079

(Los Angeles County Super. Ct.
No. BC459344)

**ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]**

THE COURT:*

It is ordered that the opinion filed herein on January 18, 2013, and not certified for publication be modified as follows.

The last paragraph commencing at the bottom of page 7 and ending at the top of page 8 of the disposition is deleted and replaced with the following new paragraph.

The judgment and the order granting summary judgment on the cross-complaint are reversed. The trial court is directed to enter a new and different order denying Javaherian and Ierra's motion for summary judgment. Appellant The Bank of East Asia (U.S.A.) N.A., is awarded its costs on appeal.

There is no change in the judgment. The petition for rehearing is denied.

* TURNER, P. J.

MOSK, J.

KRIEGLER, J.